

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

HELEN J. BURROW, INDIVIDUALLY
AND AS REPRESENTATIVE OF THE
ESTATE OF DAVID J. BURROW,
DECEASED, AND CONNIE E.
POPPLETON, DIANA R. ROBINSON
AND TERRY LYNN LOVELL

VS.

BP PRODUCTS NORTH AMERICA INC.
f/k/a AMOCO OIL COMPANY,
Individually and as Successor-In-Interest to
Amoco Texas Refining; and BP AMOCO
CHEMICAL COMPANY f/k/a AMOCO
CHEMICAL COMPANY

CIVIL ACTION NO. _____

NOTICE OF REMOVAL OF CIVIL ACTION

Defendants BP Amoco Chemical Company and BP Products North America Inc. (collectively referred to as “BP Amoco”) named defendants in a civil action now pending in Texas state court, file this Notice of Removal of the action brought against them by Plaintiffs Helen J. Burrow, Individually and as Representative of the Estate of David J. Burrow, Deceased, and Connie E. Poppleton, Diana R. Robinson and Terry Lynn Lovell, the named Plaintiffs in the civil action pending in state court. The grounds in support of this Notice of Removal are as follows:

1. The above-mentioned BP Amoco Defendants are named Defendants in a civil action filed on or about, April 2, 2007 in the 405th District Court of Galveston County, Texas.
2. On April 30, 2007, BP Amoco Chemical Company was served with the citation and a copy of the initial pleading in the State Court Action. A true and correct copy of the

Plaintiffs' Original Petition in the State Court Action, along with the Notice of Service of Process is attached hereto as Exhibit "A". On April 30, 2007, BP Products North America Inc. was served with the citation and a copy of the initial pleading in the State Court Action. A true and correct copy of the Plaintiffs' Original Petition in the State Court Action, along with the Notice of Service of Process is attached hereto as Exhibit "B". A true and correct copy of Defendants' Original Answer to Plaintiffs' Original Petition is attached hereto as Exhibit "C". A true and correct copy of the docket sheet in the State Court Action is attached hereto as Exhibit "D". These documents represent the entirety of all pleadings filed thus far in the State Court Action.

3. This Notice of Removal of Civil Action is timely pursuant to 28 U.S.C. § 1446(b) because the State Court Action is being removed within the thirty (30) day period after it was served with a copy of the initial pleading.

4. Plaintiffs' State Court Action may be removed to this Court because it is one involving a controversy wholly between citizens of different states in which the district courts of the United States have diversity jurisdiction pursuant to 28 U.S.C. § 1332. Therefore, the matter is one which may be removed to this Court pursuant to 28 U.S.C. § 1441(a).

5. Plaintiffs are citizens and residents of the state of Texas.

6. Defendant BP Products North America Inc. is a Maryland corporation which has its principal place of business in Warrenville, Illinois. As of the date of the filing of this Notice of Removal, BP Products North America Inc. continues to be a Maryland corporation and continues to have its principal place of business in Illinois. Defendant Amoco Chemical Company is a Delaware corporation which has its principal place of business in Warrenville,

Illinois. As of the date of the filing of this Notice of Removal, BP Amoco Chemical Company continues to be a Delaware corporation and continues to have its principal place of business in Illinois. Amoco Defendants did not have their principal places of business in the state of Texas and were not incorporated in the State of Texas at the time of the filing of the State Court Action, or at the time of the filing of this Notice of Removal.

7. The amount in controversy in this action exceeds the sum of \$75,000.00, exclusive of interest and costs, in that Plaintiffs seek punitive damages based upon allegations and gross negligence in excess of the minimum jurisdictional requirements of 28 U.S.C. § 1332.

8. Promptly after filing this Notice of Removal, written notice thereof will be given to Plaintiffs and a copy of this Notice of Removal will be filed with the District Clerk of Galveston County, Texas, as required by law. A true and correct copy of the Notice being filed with the District Court of Galveston County, Texas is attached as Exhibit "E".

CONCLUSION

BP Amoco has complied with the procedural requirements of 28 U.S.C. § 1446(b). This Court has removal jurisdiction based on diversity jurisdiction. Accordingly, removal of this case is proper pursuant to 28 U.S.C. § 1441. BP Amoco Defendants pray that a tag along order be entered transferring this case through the Judicial Panel on Multi District Litigation, pursuant to MDL 875, to the United States District Court for the Eastern District of Pennsylvania, to be assigned to the docket of the Honorable James T. Giles.

Respectfully submitted,

ANDREWS KURTH LLP

By: s/Thomas W. Taylor

Thomas W. Taylor
State Bar No. 19723875
Southern District No. 3906
4200 Chase Tower
600 Travis Street
Houston, Texas 77002
(713) 220-4200
(713) 220-4285 (facsimile)

ATTORNEY-IN-CHARGE FOR
DEFENDANTS BP AMOCO CHEMICAL
COMPANY AND BP PRODUCTS NORTH
AMERICA INC.

OF COUNSEL:

ANDREWS KURTH LLP
Raymond G. Randle, Jr.
State Bar No. 24004873
Southern District No. 23155
4200 Chase Tower
600 Travis Street
Houston, Texas 77002
(713) 220-4200
(713) 220-4285 (facsimile)

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing document has been mailed by certified mail, return receipt requested, on this 10th day of May, 2007, as follows:

Ian P. Cloud
HEARD, ROBINS, CLOUD & LUBEL, L.L.P.
500 Dallas
Suite 3100
Houston, Texas 77002

s/Thomas W. Taylor
Thomas W. Taylor